

**26 NCAC 05 .0204            EXTENSION OF TIME**

(a) If the agency cannot meet the filing deadline set forth in Rules .0203(c) and .0211 of this Section, the agency head may submit a written request for an extension of time from the Commission. The Commission shall consider the request at its next regularly scheduled meeting. The Commission's decision shall be made on a case by case basis, considering the justification offered by the agency requesting the extension, which may include:

- (1) the efforts of the agency to comply with the review;
- (2) any illness or incapacity of the staff member assigned responsibility for submitting the report;
- (3) changes of composition to the agency or its staff that resulted in a delay of the review;
- (4) whether the agency received a volume of comments that requires additional time to respond; and
- (5) arguments for or against the delay by members of the public.

(b) A request solely citing time constraints to complete the report is insufficient for an extension of time.

(c) If an agency head submits a request for an extension, the agency shall post notice on its website and notify its interested persons mailing list maintained pursuant to G.S. 150B-21.2(d) that the RRC will review the request at its next regularly scheduled meeting. The notice shall also inform the public that individuals may contact the Commission to object to the delay.

(d) Any person desiring to submit written arguments against the delay proposed by an agency shall submit the comments by email to the individual commissioners, RRC staff, and the agency rulemaking coordinator by 5:00 p.m. Eastern Time on the Tuesday prior to the meeting.

*History Note:    Authority G.S. 150B-21.3A;  
                      Eff. April 1, 2014;  
                      Amended Eff. June 1, 2023.*